

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
March 19, 2024**

This meeting was opened at 5:01 p.m. by Chairman Austin Lowes.

Present: Kimberly Lee, Betty Freiheit, Robert McRorie (Z), Kimberly Hampton, Bridgett Sorenson, Tyler LaPlaunt, Shawn Borowicz (Z), Isaac McKechnie, Austin Lowes
Absent: Michael McKerchie, Darcy Morrow, Lana Causley-Smith

**Moved by Director McKechnie, supported by Director Sorenson, to excuse those absent.
Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director LaPlaunt, to approve the agenda as read.
Motion carries unanimously.**

**Moved by Director Sorenson, supported by Director Hampton, to approve the meeting minutes from Regular Meeting March 12, 2024.
Motion carries unanimously.**

**Without objection, moving MIS Resolution to the beginning of the agenda.
No objection.**

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2024-82, Accepting Trial Hub's Recommendation of Changes to the Administrative Structure of MIS.

NOW, THEREFORE BE IT RESOLVED, the BOD authorizes that the MIS Department be restructured into the new recommended IT Department structure through the following BOD directives:

1. Approval to officially form the new Executive Technology Steering Committee with membership, authority and duties as defined in the charter.
2. Approval of the updated IT Department structure under a functional aligned structure with updated job titles and job descriptions as it relates to governmental, health and Kewadin Casinos.
3. Approval to have the new/updated IT job descriptions re-factored and re-graded by both government and Kewadin Human Resources jointly on job titles and benchmarking so they are consistent within job titles and internal equity.
4. Approval to transfer existing IT employees into the new IT titles and job descriptions as defined in the recommended new IT structure, including a one-time waiver of any conflicting HR policies in order to effectively and timely restructure the entire IT team.
5. Approval to post and fill new or unfilled positions as defined in the new IT structure, as approved and as supported by any approved budget modification for this purpose

BE IT FURTHER RESOLVED, that this resolution amends any previously adopted resolutions regarding reference to this restructure to implement any changes to be consistent with this resolution.

BE IT FINALLY RESOLVED, that these changes are reflected in an administrative budget modification by Governmental, Kewadin and Health.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-83, ACFS – LIHEAP FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to LIHEAP to increase Tribal Support monies of \$17,648.06. This budget modification will make changes to the personnel sheet and reallocate expenses.

Motion carries unanimously.

Moved by Director Sorenson, supported by Director McKechnie, to approve Resolution 2024-84, ACFS Division – USDA FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to USDA for an increase in Federal USDA monies of \$73,794.00 and increase to Tribal Support monies of \$6,206.08.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-85, Health Division – Nutrition Services and Third-Party Revenue FY 2024 Budget Modifications.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Nutrition Services for a decrease in Other Revenue monies of \$21,000.00 and an increase from 3rd Party Revenue monies of \$9,628.98.

BE IT FINALLY RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to 3rd Party Revenue increasing the amount to Nutrition Services \$9,628.98.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-86, Health Division – Veteran’s Services Establishment of FY 2024 Budget and Third-Party Revenue FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Veteran’s Services with Third-Party Revenue monies of \$68,672.28.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Third Party Revenue increasing the transfer out of \$68,672.28 to Veteran’s Services.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-87, Continuing Funding Authority for Fiscal Year 2024 Health Division – Sault Ste. Marie Medical/Nursing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for Sault Ste. Marie Medical/Nursing for fiscal year 2024, at their 2023 spending levels, for a period not to exceed April 23, 2024.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-88, Continuing Funding Authority for Fiscal Year 2025 April to March.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost centers for fiscal year 2025, at their 2024 spending levels, for a period not to exceed April 23, 2024.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-89, Authorize Family Violence Prevention and Services Application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the Office of Family Violence Prevention and Services for Family Violence Prevention and Services formula funding for FY 2024-25, FY 2025-26, and FY 2026-27.

BE IT FURTHER RESOLVED, that Austin Lowes, Tribal Chairman, is hereby authorized to submit said proposal to the Office of Family Violence Prevention and Services, to negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-90, Authorize Tribal Victim Services Set-Aside Application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application for the FY 2024, the FY 2025, and the FY 2026 Tribal Victim Services Set-Aside (TVSSA) Program.

BE IT FURTHER RESOLVED, that Austin Lowes, Tribal Chairman, or their designee, is hereby authorized to submit said proposal to the Department of Justice, to negotiate, execute and amend any documents on the Tribe's behalf.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-91, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Valokuva, LLC.

Without objection, the reading of this Resolution was waived.

No objections.

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

Section 1 FINDINGS AND DETERMINATIONS:

The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Tribe wishes to enter into a Revocable License Agreement ("Agreement") with Valokuva, LLC., ("Licensor") on behalf of Sault Tribe EDC; and

1.3 Licensor will not consent to such agreement without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Licensor to enter into an Agreement, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim sovereign immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Licensor that might arise from, or relate to, in any respect, the Agreement, or object to the venue clauses found in the Agreement. All the foregoing are referred to herein as the "Waiver and Consent Obligations"; and

1.5 It is in the Tribe's interest to resolve as stated herein.

Section 2 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

2.1 The Tribe hereby waives its sovereign immunity from suit in favor of Licensor only should an action be commenced under the Agreement referenced above.

This waiver:

i) Shall terminate upon performance by the Tribe of all of its obligations under the Agreement; and

ii) Is granted solely to Licensor; and

iii) Shall extend to inter alia, any judicial or non-judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non-judicial action to resolve disputes between the Tribe and Licensor and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations under the Agreement; and

iv) Shall be enforceable only in a court of competent jurisdiction, including courts in the State of Michigan, the Tribal Court and federal courts in Michigan (including the United States Bankruptcy Court or any arbitrator or arbitration pane); and

v) Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the Agreement; and

vi) The Agreement, and other associated finance documents shall be construed in accordance with and governed by all applicable laws and regulations of governmental bodies with competent jurisdiction, as set forth in such documents.

Section 3. WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waiver the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction of any courts with competent jurisdiction, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or any of the finance documents, note or Agreement.

Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the Agreement executed by the Chairman or his designee. Failure or refusal of any individual to execute the Agreement shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the Agreement prior to the close of business on July 1, 2024, shall ender the waivers and consents granted in this resolution to become void immediately.

Roll Call Vote: Motion carries with Directors' Hampton, Freiheit, McKechnie, Lee, Sorenson, Borowicz, LaPlaunt approving; Director McRorie opposing.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-92, Acceptance of the Bid for Renovation of Gladstone Tribal Health Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves recommended contractor; and

BE IT FINALLY RESOLVED that the Board of Directors authorizes the Chairperson of the Tribe or his designee to negotiate, amend and execute the agreement with selected contractor on behalf of the Tribe.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Lee, to approve Resolution 2024-93, Committing Long Term Two-Percent to Rudyard High School Pool.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the commitment of Long Term 2% funding Rudyard High School for the operation and maintenance of their pool as outlined in the attached Agreement.

Roll Call Vote: Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2024-94, Implementation of Blue Stone Strategy Group Recommendations for Tribal Health Centers.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby amends Resolution 2023-353 to delegate the authority to the Executive Director to implement all recommendations made by Blue Stone to improve the operations of the Tribal Health Centers notwithstanding any limitation possibility imposed by any prior Resolution, Policy, or Directive.

Roll Call Vote: Motion carries with Directors' Lee, McRorie, LaPlaunt, Sorenson, McKechnie, Freiheit, Borowicz approving; Director Hampton abstaining.

Moved by Director Sorenson, supported by Director Hampton, to approve a small mesh permit for Robert Peterson for 2024.

Motion carries unanimously.

Moved by Director Sorenson, supported by Director McKechnie, to accept Jena McKerchie's resignation from the Child Welfare Committee and declare the seat vacant.

Motion carries unanimously.

Adjourned at 5:58 p.m.

Date: 4/2/24

Secretary: 
Kimberly Hampton

Others Present: Robert Schulte, Christine McPherson, Jessica Dumback, Aaron Schlehuber, Ashlee Mielke, Lona Stewart, Michelle Moore, Elaine Clement, Jen Clerc, Josh Elliot, Cathy Devoy, Leo Chugunov, Michael Day, Allen Kerridge, Dana Schlehuber, Michael Jackson, Megan Miller, Sheryl McKerchie, Bernice Biron, Juanita Bye, Joel Lumsden, Latisha Willette